
TITLE 71 INDIANA HORSE RACING COMMISSION

Emergency Rule
LSA Document #12-267(E)

DIGEST

Adds [71 IAC 3-2-7.1](#) regarding race for purse money only. Adds [71 IAC 3.5-2-7.1](#) regarding race for purse money only. Amends [71 IAC 12-2-18](#) regarding allocation of interstate simulcasting revenue to purses. Amends [71 IAC 12-2-19](#) regarding allocation of breakage and outs. Amends [71 IAC 13.5-5-1](#) regarding Indiana bred preference. Amends [71 IAC 14-1-1](#) regarding "Indiana bred" defined. Amends [71 IAC 14-3-1](#) regarding embryo transfer. Amends [71 IAC 14.5-5-1](#) regarding Indiana bred or foaled preference. Effective May 16, 2012.

[71 IAC 3-2-7.1](#); [71 IAC 3.5-2-7.1](#); [71 IAC 12-2-18](#); [71 IAC 12-2-19](#); [71 IAC 13.5-5-1](#); [71 IAC 14-1-1](#); [71 IAC 14-3-1](#); [71 IAC 14.5-5-1](#)

SECTION 1. [71 IAC 3-2-7.1](#) IS ADDED TO READ AS FOLLOWS:

[71 IAC 3-2-7.1](#) Race for purse money only

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-3](#); [IC 4-31-13-7](#)

Sec. 1. The judges have the authority, for good cause, to disallow wagering on any starter in a race.

(Indiana Horse Racing Commission; [71 IAC 3-2-7.1](#); emergency rule filed May 16, 2012, 2:15 p.m.: [20120523-IR-071120267ERA](#))

SECTION 2. [71 IAC 3.5-2-7.1](#) IS ADDED TO READ AS FOLLOWS:

[71 IAC 3.5-2-7.1](#) Race for purse money only

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-3](#); [IC 4-31-13-7](#)

Sec. 1. The stewards have the authority, for good cause, to disallow wagering on any starter in a race.

(Indiana Horse Racing Commission; [71 IAC 3.5-2-7.1](#); emergency rule filed May 16, 2012, 2:15 p.m.: [20120523-IR-071120267ERA](#))

SECTION 3. [71 IAC 12-2-18](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 12-2-18](#) Allocation of interstate simulcasting revenue to purses

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-9-2](#)

Sec. 18. (a) Revenue for purses generated from the simulcasting of out-of-state signals into the state shall be divided and applied forty-nine percent (49%) to standardbred purses, forty-nine percent (49%) to thoroughbred purses, and two percent (2%) to quarter horse purses statewide. This division shall apply irrespective of the number of tracks, the breed of the incoming signal, and the number of live race dates conducted for either breed. If more than one (1) track races a specific breed, purses for that breed shall be divided to the purse accounts of the tracks in question proportionally based upon the number of live race dates for that breed. The utilization of all monies transferred between tracks pursuant to this rule shall be in accordance with guidelines approved by the commission.

(b) ~~Effective July 1, 2003,~~ **Until and including December 31, 2012,** interstate simulcasting revenue generated for purses from simulcasting of out-of-state signals into the state by an association that races more

than one (1) breed of horse shall be allocated to the purse accounts at that association as follows:

- (1) Forty-nine percent (49%) to standardbreds.
- (2) Forty-nine percent (49%) to thoroughbreds.
- (3) Two percent (2%) to quarter horses.

(c) Effective January 1, 2013, interstate simulcasting revenue generated from purses from simulcasting of out-of-state signals into the state by an association that races more than one (1) breed of horse shall be allocated to the purse accounts at the association as follows:

- (1) Forty-six percent (46%) to standardbreds.**
- (2) Forty-six percent (46%) to thoroughbreds.**
- (3) Eight percent (8%) to quarter horses.**

(Indiana Horse Racing Commission; [71 IAC 12-2-18](#); emergency rule filed Mar 9, 1994, 2:50 p.m.: 17 IR 1630; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2423; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Nov 29, 2001, 1:20 p.m.: 25 IR 1190; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2388; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed May 16, 2012, 2:15 p.m.: [20120523-IR-071120267ERA](#))

SECTION 4. [71 IAC 12-2-19](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 12-2-19](#) Allocation of breakage and outs

Authority: [IC 4-31-3-9](#); [IC 4-31-9-10](#)

Affected: [IC 4-31-11-10](#); [IC 4-31-11-11](#)

Sec. 19. **(a) Until and including December 31, 2012**, all breakage and outs shall be distributed, irrespective of the number of tracks, between the standardbred breed development fund, thoroughbred breed development fund, and quarter horse breed development fund as established by the commission under [IC 4-31-11-10](#) as follows:

- (1) Forty-eight percent (48%) to standardbred breed development.
- (2) Forty-eight percent (48%) to thoroughbred breed development; and
- (3) Four percent (4%) to quarter horse breed development.

(b) Beginning January 1, 2013, all breakage and outs shall be distributed, irrespective of the number of tracks, between the standardbred breed development fund, thoroughbred breed development fund, and quarter horse breed development fund as established by the commission under [IC 4-31-11-10](#) as follows:

- (1) Forty-six percent (46%) to standardbred breed development.**
- (2) Forty-six percent (46%) to thoroughbred breed development; and**
- (3) Eight percent (8%) to quarter horse breed development.**

(Indiana Horse Racing Commission; [71 IAC 12-2-19](#); emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2424; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Nov 29, 2001, 1:20 p.m.: 25 IR 1190; emergency rule filed Aug 22, 2002, 12:41 p.m.: 26 IR 59, eff Jan 2, 2003; errata, 26 IR 382; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed May 16, 2012, 2:15 p.m.: [20120523-IR-071120267ERA](#))

SECTION 5. [71 IAC 13.5-5-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 13.5-5-1](#) Indiana bred preference

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. (a) A registered Indiana bred that receives a an R-date or an E-date will receive starter preference over a non-Indiana bred with an equal R-date or E-date. Such preference shall apply in all races not restricted to Indiana breds, stake races excepted. Indiana breds will not receive starter preference over non-Indiana breds with better R-dates, E-dates, or zero-dates.

(b) A registered Indiana bred that enters or races in an open race will retain their previous **Indiana bred** preference date when returning to a restricted Indiana bred race. **Such a horse, when entering consecutive open races, shall retain the preference date of its most recent open race.**

(Indiana Horse Racing Commission; [71 IAC 13.5-5-1](#); emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 20, 2008, 2:33 p.m.: [20080416-IR-071080064RFA](#); emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#); emergency rule filed May 16, 2012, 2:15 p.m.: [20120523-IR-071120267ERA](#))

SECTION 6. [71 IAC 14-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 14-1-1](#) "Indiana bred" defined

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. (a) "Indiana bred" means a foal from a mare who resides in the state continuously from ~~June 4~~ **August 1** of the breeding year through the time of foaling and is properly registered with the commission.

(b) In order to be registered as an Indiana bred foal, the mare of the foal must:

- (1) have entered Indiana by August 1 in the year prior to foaling; and
- (2) remain in Indiana continuously until foaling.

(c) Mares which have not been bred by the August 1 deadline may be registered late but must reside in Indiana and be registered prior to being bred.

(d) Mares registered for the current breeding year may leave the state to be entered in an advertised public sale and may leave the state for the interval of the sale but must return to Indiana within fourteen (14) days of her sale if the residency requirements for foal registration are to be fulfilled. Notification to the commission must be made in writing for mares leaving the state prior to participating in an advertised public sale. Upon return to the state, the mare must be reregistered with the commission. Reregistration must occur with the fourteen (14) day period following the sale.

(e) The commission must be notified in writing by e-mail, fax, or mail and provide proper documentation for any registered mare leaving the state for medical treatment. Notification must be made within seventy-two (72) hours of date which the mare left the state.

(f) The Indiana bred foal must:

- (1) Be registered with the commission within thirty (30) days of foaling.
- (2) Be inspected after foaling prior to leaving the state.

(g) Foals not registered within thirty (30) days of foaling date may be registered with a two hundred dollar (\$200) late fee up and until December 31 of the foal's weanling year.

(h) If the foal is not registered by January 1 of its yearling year, the foal is not eligible to be registered.

(i) For foals of 2009 and prior, Indiana bred is defined as a horse whose breeder(s) as listed with the USTA are residents of Indiana. Any partnership or corporation registered by the USTA and listed as breeder must be entirely composed of Indiana residents.

(Indiana Horse Racing Commission; [71 IAC 14-1-1](#); emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-071090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Dec 8, 2010, 11:46 a.m.: [20101215-IR-071100735ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#); emergency rule filed May 16, 2012, 2:15 p.m.: [20120523-IR-071120267ERA](#))

SECTION 7. [71 IAC 14-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 14-3-1](#) Embryo transfer

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. (a) In order to be eligible to register your embryo transfer foal as an Indiana bred or Indiana sired and bred, foals must be: *[sic]*

(b) In order to register a foal from embryo transfer, the recipient mare must:

- (1) have entered Indiana by June 1 in the year prior to foaling; and
- (2) remain in Indiana continuously until foaling. The resulting foal will be eligible to **be** registered as an Indiana bred ~~or of~~ *[sic]* Indiana sired and bred standardbred.
- (3) Be properly registered with the commission by August 1 of the breeding year.
- (4) For an Indiana sired and bred foal, be sired by a stallion properly registered with the commission ~~on~~ in accordance with [71 IAC 14-2-1](#).

(c) Mares which have not been bred by the ~~June 4~~ **August 1** deadline may be registered late but must reside in Indiana and be registered prior to being bred.

(d) Mares registered for the current breeding year may leave the state to be entered in an advertised public sale and may leave the state for the interval of the sale but must return to Indiana within fourteen (14) days of her sale if the residency requirements for foal registration are to be fulfilled. Notification to the commission must be made in writing for mares leaving the state prior to participating in an advertised public sale. Upon return to the state, the mare must be reregistered with the commission. Reregistration must occur within the fourteen (14) day period following the sale.

(e) The commission must be notified in writing and provide proper documentation for any mare leaving the state for medical treatment. Notification must be made within seventy-two (72) hours of date which the mare left the state.

(f) The Indiana bred embryo transfer foal or Indiana sired and bred embryo transfer foal must:

- (1) Be registered with the commission within thirty (30) days of foaling.
- (2) Be inspected after foaling prior to leaving the state.
- (3) Must be DNA tested and freeze branded by the USTA prior to leaving the state.

(g) Foals not registered within thirty (30) days of foaling date may be registered with a two hundred dollar (\$200) late fee up and until December 31 of the foal's weanling year.

(h) If the foal is not registered by January 1 of its yearling year, the foal is not eligible to be registered.

(Indiana Horse Racing Commission; [71 IAC 14-3-1](#); emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-0711090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Dec 8, 2010, 11:46 a.m.: [20101215-IR-0711100735ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-0711200566ERA](#); emergency rule filed May 16, 2012, 2:15 p.m.: [20120523-IR-071120267ERA](#))

SECTION 8. [71 IAC 14.5-5-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 14.5-5-1](#) Indiana bred or foaled preference

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. (a) A registered Indiana bred or foaled that receives a R-date or an E-date will receive starter preference over a non-Indiana bred or foaled with an equal R-date or E-date. Such preference shall apply in all races not restricted to Indiana bred or foaled stake races excepted. Indiana bred or foaled will not receive starter preference over non-Indiana bred or foaled with better R-dates, E-dates, or zero-dates.

(b) A registered Indiana bred that enters or races in an open race will retain their previous **Indiana bred** preference date when returning to a restricted Indiana bred race. **Such a horse, when entering in consecutive open races, shall retain the preference date of its most recent open race.**

(Indiana Horse Racing Commission; [71 IAC 14.5-5-1](#); emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1038; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3035; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed May 16, 2012, 2:15 p.m.: [20120523-IR-071120267ERA](#))

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